

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

DEBRA MOBLEY, DENISE
ENCARNACION, JEYSON HALL,
and PHYLICIA HOLLEY, for and on
behalf of themselves and other
persons similarly situated,

Plaintiffs,

v.

COOK OUT, INC., et al.,

Defendants.

Civil Action No.
2:22-cv-00190-RWS-JCF

JOINT STATUS REPORT AND NOTICE OF SETTLEMENT

Plaintiffs Debra Mobley, Denise Encarnacion, Jeyson Hall, and Phylcia Holley (“Plaintiffs”) and Defendants Cook Out, Inc. et al (“Defendants”)¹ (together, the “Parties”), by and through their respective counsel, jointly advise the Court that a settlement has been reached in this matter between all Parties following the Court’s

¹ “Defendants” include alleged Defendant Jeremy Reaves, as well as all named Defendants, including Cook Out, Inc., Cook Out Newport News, Inc. (a/k/a Cook Out-Chesapeake, Inc.), Cook Out-Williamsburg, Inc., Cook Out-Gloucester, Inc., Cook Out-Athens, Inc., Cook Out-Concord Pkwy, Inc., Cook Out-Gainesville, Inc., Cook Out-Miami Blvd., LLC, Cook Out-RTP, Inc., Cook Out-Falls of Neuse Road, Inc., Cook Out-Shannon Road, Inc., Cook Out Hampton, Inc., Cook Out-Suffolk, Inc., Cook Out-General Booth, Inc., Cook Out Portsmouth, Inc., and Cook Out-Monticello, Inc.

granting of a stay in the case [Dkt. 53]. The Parties further advise the Court of the following:

1.

On September 19, 2024, the Parties attended an all-day Mediation in Atlanta, Georgia with Mediator A. Lee Parks, Jr. to attempt to reach a comprehensive resolution² of this litigation following months of extensive correspondence and data sharing between the Parties.

2.

As part of the settlement reached at Mediation, the Parties have agreed that Plaintiffs will (1) seek immediate dismissal of their claims under the Equal Pay Act (“EPA”) *with prejudice* upon lifting of the stay in this case, and (2) following receipt of the agreed-upon settlement amount for Plaintiff’s non-EPA based claims, will subsequently seek a voluntarily dismissal of their remaining claims *with prejudice* as well.

3.

The Parties agreement noted in Paragraph 2 is based upon the fact that Mediation revealed the gravamen of Plaintiffs’ most plausible damages came from

² The Parties were also able to resolve the claims brought my Opt-In Plaintiffs Emerald Mikeal, Gabriella Hollingsworth, and Krystle Williams too.

alleged emotional distress rather than alleged unpaid back wages, front pay, or any other wage-based remedies available under the EPA.

4.

In order to carry out the agreed-upon terms of the settlement, the Parties jointly request the Court lift the stay in this matter to allow Plaintiffs to file a voluntary dismissal of their claims under the EPA *with prejudice*, and thereafter allow the Parties twenty-one (21) days for Plaintiffs to file a dismissal of their remaining claims *with prejudice* so as to allow for execution of all necessary settlement documentation and issuance of payment associated with the same.

Respectfully submitted this the 26th day of September, 2024.

WINSTON COOKS, LLC

s/Alan Howard Garber

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Counsel for Defendants

COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing **JOINT STATUS REPORT AND NOTICE OF SETTLEMENT** has been prepared in compliance with Local Rule 5.1(B) in 14-point New Times Roman type face.

Respectfully submitted the 26th day of September, 2024.

JACKSON LEWIS P.C.

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